

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Francisco Sanchez-Madrid, *et al.*
SERIAL NUMBER: 10/770,639 EXAMINER: Skelding, Zachary S.
FILING DATE: February 2, 2004 ART UNIT: 1644
FOR: Immune Regulation Based On The Targeting Of Early Activation Molecules

Via EFS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313.1450

Statement of Substance of Examiner Interview

Applicants' representative would like to thank the Examiner for the courtesies extended during the interview conducted on February 17, 2010. The Information Disclosure Statements filed January 22, 2010 and February 17, 2010 were discussed during the interview. In preparation for the filing of a Notice of Appeal and Appeal Brief, Applicants' representative requested consideration of the references cited in the above-mentioned Information Disclosure Statements. Applicants' representative indicated that should the Examiner find that the cited references raise a new question of patentability or should the Examiner need to apply the references in a new rejection, then it will be necessary to continue prosecution of the application. Accordingly, a response to the Office Action of December 1, 2009 would be filed. Otherwise, should the Examiner determine that the cited references do not raise a new question of patentability, then Applicants' representative requested that the Information Disclosure Statements be considered and signed by the Examiner such that prosecution may be closed and a Notice of Appeal filed.

Applicants' representative further mentioned that the reference of Choy 1996^{1/} cited in the IDS of February 17, 2010 was discussed during the interview of December 17, 2009. The primary reference Choy 1998^{2/} is actually the follow-on paper to Choy 1996, and thus will likely

^{1/} Choy et al., *Arthritis Rheum.* 39, 52-56 (1996).

^{2/} Choy et al., *Br J Rheumatol.* 1998 May;37(5):484-90. Review.

be considered cumulative. However, this reference is cited in an IDS because Choy 1996 will be relied on for this fact in appeal.

Date: March 10, 2010

Respectfully submitted,

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